**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

NOTICE OF MOTION NO.2852 OF 2007
IN
SUIT NO.2147 OF 2007

Ramulu B. Shekelli ..Plaintiff.

V/s.

Mohamed Afzal Mohamed Ismail Memon. ..Defendant.

Mr.Simil Purohit i/b. Manoj Bhatt for Plaintiff.

Mr.M.L.Bansal i/b. M.Y.Sayani for Defendant.

**CORAM: A.M.KHANWILKAR,J**

**DATE : AUGUST 16, 2007.**

**P.C. :**

1. Heard counsel for the parties on the point of ad-interim relief.

2. By this Motion, the Plaintiff is claiming relief of attachment before Judgment. The Plaintiff has placed on record the property owned and possessed by the Defendant in the schedule in the Notice of Motion. The Defendant has filed reply inter alia stating that he is not owner of the property at Sr.No.3 but is only a tenant therein. In so far as property at Sr.no.1 is concerned, in paragraph-6 of the reply affidavit, the Defendant has stated that the same is his residential flat and he is residing

therein with his family. He has however, stated that he has no intention, whatsoever, to sell or to dispose of the said flat. There is no dispute that said flat is worth over the suit claim amount. In the circumstances, the statement made by the Defendant on affidavit in paragraph-6 is accepted. No further orders are necessary in view of the assurance given by the Defendant, which is accepted herein before.

3. Accordingly, Notice of Motion is disposed of on the above terms.

4. It will be open to the Defendant to apply to this Court for relieving of this assurance and undertaking, if and when such occasion arises, which will be considered on its own merits.

**(A.M.KHANWILKAR,J)**